

AMENDED IN SENATE SEPTEMBER 1, 2009

AMENDED IN SENATE JUNE 28, 2009

AMENDED IN SENATE JUNE 15, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1217

Introduced by Assembly Member Monning
(Coauthors: Assembly Members Caballero, Krekorian, and Salas)

February 27, 2009

An act to amend Sections 35550 and 35650 of, and to add Section 35617 to, the Public Resources Code, relating to ocean resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1217, as amended, Monning. Ocean Protection Council: sustainable seafood.

The California Ocean Protection Act establishes the Ocean Protection Council in state government and provides that the council consists of the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, the Chair of the State Lands Commission, and 2 public members appointed by the Governor. The act requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems and to establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies.

The act also creates the California Ocean Protection Council Trust Fund in the State Treasury and authorizes moneys deposited in the fund,

upon appropriation by the Legislature, to be expended by the council for projects and activities authorized by the council consistent with the purposes of the act.

This bill would require the council to develop and implement a specified voluntary sustainable seafood promotion program. The program would, among other things, consist of a protocol to guide entities on how to be independently certified to internationally accepted standards for sustainable seafood, as defined, ~~and a marketing assistance program, and a competitive grant and loan program.~~ It would prohibit seafood produced through aquaculture or fish farming from being certified as sustainable under these provisions until nationally or internationally accepted sustainability standards have been developed and implemented.

The bill also would provide that moneys in the trust fund may be expended for grants or loans to a private entity for projects or activities that further public purposes consistent with the voluntary sustainable seafood promotion program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) It is the Legislature's intent in enacting this act to encourage
- 4 California fisheries to seek certification in accordance with
- 5 internationally accepted standards for sustainability and to promote
- 6 the purchase and consumption of certified California sustainable
- 7 seafood.
- 8 (b) The world's oceans provide the people of California with a
- 9 wealth of ecological resources, including seafood.
- 10 (c) Unsustainable fishing practices can have adverse
- 11 consequences on ocean ecosystems, placing wildlife and resources
- 12 at risk.
- 13 (d) Within the commercial fishing sector there are a variety of
- 14 existing methods and practices that can reduce the environmental
- 15 impacts of seafood production.
- 16 (e) *California fisheries have been at the forefront of efforts to*
- 17 *protect and restore fish stocks and engage in responsible and*
- 18 *sustainable fishing practices.*

~~(e)~~

~~(f)~~ Internationally accepted standards for sustainable seafood have been developed and implemented; however, no such standards have yet been developed or implemented for aquaculture or fish farming.

~~(f)~~

~~(g)~~ Market-based approaches *informed by consumer demand*, including product differentiation, labeling, and marketing, can provide incentives to improve the sustainability of seafood production.

~~(g)~~

~~(h)~~ The State of California is a major producer and consumer of seafood that is marketed in the United States and abroad.

~~(h)~~

~~(i)~~ Some California fisheries have adopted sustainable practices consistent with internationally accepted standards and should be recognized in the marketplace and others should be encouraged to do so.

SEC. 2. Section 35550 of the Public Resources Code is amended to read:

35550. Unless the context requires otherwise, the following definitions govern this division:

(a) “Council” means the Ocean Protection Council established pursuant to Section 35600.

(b) “Fund” means the California Ocean Protection Trust Fund established pursuant to Section 35650.

(c) “Internationally accepted standards for sustainable seafood” means standards that meet all of the following criteria:

(1) Meet or exceed the Guidelines for the Ecolabeling of Fish and Fishery Products from Marine Capture Fisheries promulgated by the Food and Agriculture Organization of the United Nations (FAO).

(2) Conform to all of the following principles:

(A) A fishery must be conducted in a manner that does not lead to overfishing or depletion of the exploited populations and, for those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery.

(B) Fishing operations should allow for the maintenance of the structure, productivity, function, and diversity of the ecosystem,

1 including habitat and associated dependent and ecologically related
2 species on which the fishery depends.

3 (C) The fishery is subject to an effective management system
4 that respects local, national, and international laws and standards
5 and incorporates institutional and operational frameworks that
6 require use of the resource to be responsible and sustainable.

7 (d) “Public agency” means a city, county, city and county,
8 district, or the state or any agency or department of the state.

9 (e) “Sustainable” and “sustainability” mean both of the
10 following:

11 (1) Continuous replacement of resources, taking into account
12 fluctuations in abundance and environmental variability.

13 (2) Securing the fullest possible range of present and long-term
14 economic, social, and ecological benefits, while maintaining
15 biological diversity.

16 SEC. 3. Section 35617 is added to the Public Resources Code,
17 to read:

18 35617. (a) The Ocean Protection Council shall develop and
19 implement a voluntary sustainable seafood promotion program for
20 the state.

21 (b) The program shall consist of all of the following:

22 (1) A protocol to guide entities on how to be independently
23 certified to internationally accepted standards for sustainable
24 seafood. The protocol must be developed in a transparent process
25 and adopted by the council in a public meeting. The council shall
26 identify in a public document that the provisions of subdivision
27 (c) of Section 35550 have been met.

28 (2) (A) A marketing assistance program for seafood caught in
29 California that is independently certified to internationally accepted
30 standards for sustainable seafood. The council shall consult with
31 the Department of Food and Agriculture in implementing this
32 paragraph.

33 (B) *Consistent with subparagraph (A), the marketing assistance*
34 *program shall consist of competitive grants and loans for discrete*
35 *and limited activities to benefit participants in the fishing industry*
36 *in California.*

37 (3) A competitive grant and loan program, only in years in which
38 funds are appropriated by the Legislature to the California Ocean
39 Protection Trust Fund, for eligible entities, *including, but not*
40 *limited to, fishery groups and associations*, for the purpose of

1 assisting California fisheries in qualifying for certification to
2 internationally accepted standards for sustainable seafood. This
3 program may be implemented in coordination with other state and
4 private programs to maximize its effectiveness.

5 (4) The design of a label or labels that may be used exclusively
6 to identify seafood caught in California that is certified to
7 internationally accepted standards as sustainable seafood.

8 (c) Seafood produced through aquaculture or fish farming shall
9 not be certified as sustainable under this division until nationally
10 or internationally accepted sustainability standards have been
11 developed and implemented.

12 SEC. 4. Section 35650 of the Public Resources Code is
13 amended to read:

14 35650. (a) The California Ocean Protection Trust Fund is
15 established in the State Treasury.

16 (b) Moneys deposited in the fund may be expended, upon
17 appropriation by the Legislature, for both of the following:

18 (1) Projects and activities authorized by the council consistent
19 with Chapter 3 (commencing with Section 35600).

20 (2) Upon authorization by the council, for grants or loans to
21 public agencies, nonprofit corporations, or private entities for, or
22 direct expenditures on, projects or activities that do one or more
23 of the following:

24 (A) Eliminate or reduce threats to coastal and ocean ecosystems,
25 habitats, and species.

26 (B) Improve the management of fisheries through grants or
27 loans for the development and implementation of fishery
28 management plans pursuant to Part 1.7 (commencing with Section
29 7050) of Division 6 of the Fish and Game Code, a part of the
30 Marine Life Management Act of 1998, that promote long-term
31 stewardship and collaboration with fishery participants to develop
32 strategies that increase environmental and economic sustainability.
33 Eligible projects and activities include, but are not limited to,
34 innovative community-based or cooperative management and
35 allocation strategies that create incentives for ecosystem
36 improvement. Eligible expenditures include, but are not limited
37 to, costs related to activities identified in subdivisions (a), (b), and
38 (d) of Section 7075 of the Fish and Game Code, fishery research,
39 monitoring, data collection and analysis to support adaptive
40 management, and other costs related to the development and

1 implementation of a fishery management plan developed pursuant
2 to this subparagraph.

3 (C) Foster sustainable fisheries, including grants or loans for
4 one or more of the following:

5 (i) Projects that encourage the development and use of more
6 selective fishing gear.

7 (ii) The design of community-based or cooperative management
8 mechanisms that promote long-term stewardship and collaboration
9 with fishery participants to develop strategies that increase
10 environmental and economic sustainability.

11 (iii) Collaborative research and demonstration projects between
12 fishery participants, scientists, and other interested parties.

13 (iv) Promotion of value-added wild fisheries to offset economic
14 losses attributable to reduced fishing opportunities.

15 (v) The creation of revolving loan programs for the purpose of
16 implementing sustainable fishery projects.

17 (D) Improve coastal water quality.

18 (E) Allow for increased public access to, and enjoyment of,
19 ocean and coastal resources, consistent with sustainable, long-term
20 protection and conservation of those resources.

21 (F) Improve management, conservation, and protection of
22 coastal waters and ocean ecosystems.

23 (G) Provide monitoring and scientific data to improve state
24 efforts to protect and conserve ocean resources.

25 (H) Protect, conserve, and restore coastal waters and ocean
26 ecosystems, including any of the following:

27 (i) Acquisition, installation, and initiation of monitoring and
28 enforcement systems.

29 (ii) Acquisition from willing sellers of vessels, equipment,
30 licenses, harvest rights, permits, and other rights and property, to
31 reduce threats to ocean ecosystems and resources.

32 (I) Address coastal water contamination from biological
33 pathogens, including collaborative projects and activities to identify
34 the sources of pathogens and develop detection systems and
35 treatment methods.

36 (J) (i) Provide funding for adaptive management, planning,
37 coordination, monitoring, research, and other necessary activities
38 to minimize the adverse impacts of climate change on California's
39 ocean ecosystem, including, but not limited to, the effects of sea
40 level rise, changes in ocean productivity, and ocean acidification

1 on coastal and ocean habitat, wildlife, fisheries, chemistry, and
2 other key attributes of ocean ecosystems and to increase the state's
3 understanding of the ocean's role in carbon sequestration. Adaptive
4 management strategies, planning, research, monitoring, or other
5 activities shall be designed to improve the management of coastal
6 and ocean resources or aid the state to adapt to climate change
7 impacts.

8 (ii) Information or activities developed under clause (i), to the
9 extent appropriate, shall provide guidance to the State Air
10 Resources Board for the adoption of early action measures for the
11 elimination or reduction of emissions from sources or categories
12 of sources pursuant to the California Global Warming Solutions
13 Act (Division 25.5 (commencing with Section 38500) of the Health
14 and Safety Code).

15 (c) Grants or loans may be made to a private entity pursuant to
16 this section only for projects or activities that further public
17 purposes consistent with Sections 35510, 35515, and 35617.

18 (d) Consistent with the purposes specified in Section 35515,
19 and in furtherance of the findings in Sections 7059 and 7060 of
20 the Fish and Game Code, the council, in authorizing grants or loans
21 for projects or expenditures pursuant to this section, shall promote
22 coordination of state programs and activities that protect and
23 conserve ocean resources to avoid redundancy and conflicts to
24 ensure that the state's programs and activities are complementary.